

REMARKS UNDER 37 CFR § 1.111

Formal Matters

Claims 2-5, 7-14, 17-24 and 26 are pending after entry of the amendments set forth herein.

Claims 6, 15, 16 and 25 are cancelled herein without prejudice.

Claims 2-5, 7-14, 17-22 and 26 are amended to depend from method claims. Support for these amendments is found in, for example, the claims are originally filed.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

No new matter has been added.

Interview Summary

Applicants are grateful to Examiners Yaen and Nickol for the telephonic interview on November 24, 2003 with the undersigned and with the licensee's representative, Michael Schiff. The rejections of record were discussed. Applicants also proposed filing a Request for Continued Examination, and amending the claims to be methods claims rather than product claims. The Examiners kindly agree to this shift in the election. The product claims should not be regarded as "abandoned" as indicated in the Interview Summary of December 1, 2003. Instead, applicants reserve the right to pursue claims directed to such compositions in a later application.

Rejection for Obviousness-type Double Patenting

Claims 2, 5, 6, 7, 9, 11, 13, 14, 15, 25 and 26 were rejected under the doctrine of obviousness-type double patenting over certain claims of US Pat. No. 6,203,787 (US/787). This rejection is respectfully traversed as it may be applied to the present claims.

All claims have been amended so as to depend from claims 19-22. None of claims 19-22 stand rejected for obviousness-type double patenting.

Withdrawal of this rejection is respectfully requested.

Rejections Based on Art under §102 or §103(a)

Kohler et al. (§102(b))

Claims 2-5, 8-12 and 25 were rejected as being anticipated by Kohler et al. This rejection is respectfully traversed as applied and as it may be applied to the pending claims.

Claims 2-5, 8-12, and 25 stand rejected under 35 USC § 102(b) as being anticipated by Kohler et al., Cancer Immunol. Immunother. 26:74, 1988. The Office Action indicates that the compositions taught in the publication are indistinguishable from the invention embodied in these claims.

Applicants maintain their position as set forth in the prior response. However, without acquiescing to the grounds of rejection, and in the interest of expediting prosecution, the claims as amended ultimately depend on one of claims 19-22, which claims are patentable over Kohler et al.

Withdrawal of this rejection is respectfully requested.

Philips et al. (§102(b))

Claims 2, 8-13 and 25 were rejected as being anticipated by Philips et al. This rejection is respectfully traversed as applied and as it may be applied to the pending claims.

Applicants maintain their position as set forth in the prior response. However, without acquiescing to the grounds of rejection, and in the interest of expediting prosecution, the claims as amended ultimately depend on one of claims 19-22, which claims are patentable over Philips et al.

Withdrawal of this rejection is respectfully requested.

Kohler et al. in view of Philips et al. (§103(a))

Claim 13 was rejected as being obvious over Kohler et al. in view of Philips et al. This rejection is respectfully traversed as applied and as it may be applied to the pending claims.

Applicants maintain their position as set forth in the prior response. However, without acquiescing to the grounds of rejection, and in the interest of expediting prosecution, the claim 13 as amended ultimately depend on claim 20, which claim is patentable over Kohler et al. in view of Philips et al.

Withdrawal of this rejection is respectfully requested.

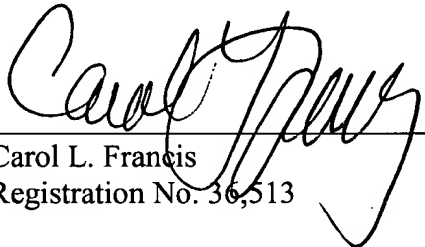
Conclusion

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number IRVN-005CIP.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

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By: 
Carol L. Francis
Registration No. 36,513

BOZICEVIC, FIELD & FRANCIS LLP
200 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: (650) 327-3400
Facsimile: (650) 327-3231
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